

Remarks

Applicants thank the Examiner for his careful consideration of this application and for the very helpful and fruitful Interview held on August 9, 2005. Reconsideration of this Application is respectfully requested in view of the amendments above and the remarks below.

Upon entry of the above amendments, Claims 1-38 remain pending in this application, with Claims 1, 29, 31, and 35 being independent claims.

Applicants acknowledge with gratitude the indication of allowable subject matter in Claims 4-21 and 28-34, as discussed at Page 18 of the Office Action.

At Pages 3-4, the Office Action rejects Claims 1-26 and 29-38 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. These rejections are now traversed. The reasons for Claims 1-25 and 29-38 will be discussed in the next paragraph. The reasons for Claim 26 will be discussed following the discussion of the rejections under 35 U.S.C. § 112, second paragraph, below.

The Office Action asserts that Claims 1-25 and 29-38 fail to distinguish the claimed invention from mental steps performed by an operator. While Applicants believe that this may no longer be a relevant consideration, in view of recent Federal Circuit case law (*see, e.g., State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998); *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 50 USPQ2d 1447 (Fed. Cir. 1999)), Applicants have, nevertheless, opted to amend independent Claims 1, 29, 31, and 35 to specify that the claimed method is "to be performed by video processing equipment."

In view of these amendments, it is respectfully submitted that the rejection based on the subject matter being directed to mental steps is overcome, and Applicants respectfully request its withdrawal.

At Pages 4-5, the Office Action rejects Claims 26-28 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully traverse these rejections, as well as the above rejection of Claim 26, for the following reasons.

Claim 26 recites, "A computer-readable medium containing computer-executable code for causing a computer to implement the method of Claim 1." The Office Action rejects this as being directed to non-statutory subject matter. However, this issue has previously been dealt with, e.g., in the Federal Circuit case, In re Beauregard, 53 F.3d 1583, 35 USPQ2d 1383 (Fed. Cir. 1995). Such claims are considered as being directed to articles of manufacture and/or machines, which are statutory categories of invention. Applicants, therefore, respectfully request withdrawal of this rejection of Claim 26.

Claim 27 is directed to a computer system including the computer-readable medium of Claim 26, and Claim 28 is directed to a computer system including a computer-readable medium containing computer-executable code for causing a computer to implement the method of Claim 4. The Office Action asserts that these claims, and Claim 26, are indefinite because the words "for causing" make the claims cover the cases in which the medium is either inside or outside the computer (rendering the computer-readable medium a program, *per se*). In view of the above discussion, Applicants assert that the computer-readable medium of these claims is not directed

to a program, *per se*, but is rather directed to an article of manufacture or machine. Claims 27 and 28 specifically recite that the computer-readable medium is coupled to the claimed computer, contrary to the statement in the Office Action that "[t]he computer [*sic*] of claims 27 and 28 are not concretely connected to the computer readable medium." In view of these points, Applicants respectfully submit that Claims 26-28 are not indefinite and, therefore, request withdrawal of these rejections.

At Pages 5-9 of the Office Action, Claims 1-3, 22, 23, 26, and 27 have been rejected under 35 U.S.C. § 102(b) as being anticipated by the article by Chun et al. At Pages 9-16 of the Office Action, Claims 1, 22-27, and 35-38 have been rejected under 35 U.S.C. § 102(a) as being anticipated by the article by Antani et al. These rejections are respectfully traversed for at least the following reasons.

The invention as claimed in Claim 1, as amended, is directed to a method of extracting *static* overlays from video. The method includes steps of detecting at least one potential overlay and verifying that each at least one potential overlay is an actual *static* overlay that was previously added to the video sequence. It is respectfully submitted that neither Chun et al. nor Antani et al. contains these steps.

In particular, both Chun et al. and Antani et al. are directed to methods for detecting text in video. However, Applicants note that neither one of these discriminates between text that is overlaid on the video and text that is part of the video, for example, a sign that appears in a video

scene. The algorithms in both of these algorithms would recognize the words on the sign as being text, while Applicants' method would reject this as not being an overlay.

Consistent with this, neither Chun et al. nor Antani et al. is directed to detecting a potential overlay, and **neither reference verifies that a potential overlay is an actual static overlay** (otherwise, text that is part of the scene would be differentiated from overlay text). In contrast, both of these references detect **all** text, whether a part of the video scene or contained in an overlay superimposed on the video scene, and whether static or not. Hence, they cannot be performing the verifying, as is done in the claimed invention.

Claim 35, as amended, contains, among other recitations, limitations similar to those of Claim 1. All of the other rejected claims (Claims 2, 3, 22-27, and 36-38) depend from either Claim 1 or Claim 35. For at least the reasons cited above, it is respectfully submitted that all of these claims are allowable over the cited prior art, and Applicants respectfully request withdrawal of the rejections and an indication of the allowance of their claims.

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Conclusion

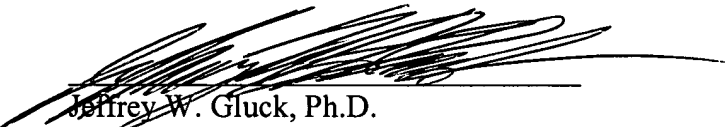
All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants, therefore, respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn.

Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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